

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

THOMAS ASH,

Case No. 10-11875

Plaintiff,

SENIOR UNITED STATES DISTRICT JUDGE  
ARTHUR J. TARNOW

v.

ROBERT BEZOTTE, ET AL.,

MAGISTRATE JUDGE MARK A. RANDON

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION [84] AND GRANTING IN PART DEFENDANTS'  
MOTION FOR ATTORNEY'S FEES [75]**

On May 1, 2013, Magistrate Judge Randon issued a Report and Recommendation ("R&R") [84] granting in part Defendants' Motion for Attorney's Fees [75]. Specifically, following a motion hearing and telephone conference, Magistrate Judge Randon granted an award of \$3,198.35, inclusive of attorney's fees and taxed costs, to Defendants. Defendants now object. Plaintiff did not respond to the objection.

This Court reviews objections to an R&R *de novo*. See 28 U.S.C. §636(b)(1)(C).

Defendants object only to the Magistrate Judge's recommendation that the Plaintiff pay the award in monthly installments of \$100. Defendants argue that they should not be required to wait three years for full payment, and that should Plaintiff fail to make timely payments they incur additional costs for collection actions.

The Court finds Defendants objection without merit. Defendants cite no legal support for their position that the Court should disallow monthly payments. Further, the Magistrate Judge had the benefit of both a hearing and telephone conference to assess Plaintiff's ability to pay an award of attorney's fees. The Court is not inclined to overturn that assessment. Should issues with timely payments arise, Defendants may enforce the Court's order by motion, and may raise the issue of additional costs at that time.

The Court having reviewed the record in this case, the Report and Recommendation [84] of the Magistrate Judge is hereby **ADOPTED** and is entered as the findings and conclusions of the Court. Accordingly, **IT IS ORDERED** that Defendants' Motion for Attorney's Fees [75] is **GRANTED IN PART**. Plaintiff will begin monthly payments of \$100, with the first payment due October 1, 2013, and each payment thereafter due on the first of the month. The Court will retain jurisdiction to enforce the payment plan.

**SO ORDERED.**

Dated: September 5, 2013

s/Arthur J. Tarnow

Arthur J. Tarnow

Senior United States District Judge